

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SALLY WHITE,

Plaintiff,

V.

SMITHS DETECTION, INC., et al.,

Defendants.

Civil Action No. 10-4078 (SRC)

ORDER

CHESLER, District Judge

This matter comes before the Court upon the motions to dismiss the First Amended Complaint (“FAC” or “Complaint”) [docket entry no. 34] filed by Defendant Smiths Group, plc (“Smiths Group”) [docket entry no. 39], Defendant Philip Bowman [docket entry no. 41], and Defendants Smiths Detection, Inc. (“Smiths Detection”) Brian Bark, Penny Boyko, Christopher Gane, and Stephen Phipson [docket entry no. 44]; and opposition to the motions having been filed; and the Court having requested, and the parties submitted, supplemental briefing; and the Court having heard oral argument on the motions on March 14, 2011; and the Court having considered the parties’ briefing and arguments; and for the reasons expressed in the Opinion filed herewith, and for good cause shown,

IT IS on this 15th day of April, 2011,

ORDERED that Defendant Smiths Group plc's motion to dismiss [docket entry no. 39]

be and hereby is **GRANTED**; and it is further

ORDERED that Defendant Philip Bowman's motion to dismiss [docket entry no. 41] be and hereby is **GRANTED**; and it is further

ORDERED that Defendants Smiths Detection, Brian Bark, Penny Boyko, Christopher Gane, and Stephen Phipson's motion to dismiss [docket entry no. 44] be and hereby is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that the motion to dismiss [docket entry no. 44] as to Smiths Detection be and hereby is **GRANTED**; and it is further

ORDERED that as to Defendants Brian Bark, Penny Boyko, Christopher Gane and Stephen Phipson, the motion to dismiss [docket entry no. 44] be and hereby is **GRANTED** with regard to individual liability based on Counts V-IX; and it is further

ORDERED that insofar as Defendants Brian Bark, Penny Boyko, Christopher Gane and Stephen Phipson seek to have all claims against them dismissed, the motion to dismiss [docket entry no. 44] be and hereby is **DENIED** because Count IV of the Complaint (unequal compensation) remains viable.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge